

Jon D. Derrevere, Esquire (FBN: 330132)  
Derrevere, Hawkes & Black  
470 Columbia Drive, Bldg B  
West Palm Beach, FL 33409  
561-684-3222

Attorneys for Plaintiff  
FIREMAN'S FUND INSURANCE COMPANY,  
a foreign corporation a/s/o BASIC RESOURCES, INC.  
and GEORGE REED, INC., a foreign corporation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

FIREMAN'S FUND INSURANCE  
COMPANY, a foreign corporation  
a/s/o BASIC RESOURCES, INC.  
and GEORGE REED, INC., a foreign  
corporation,

Plaintiff,

vs.

GERLING AMERICA INSURANCE  
COMPANY, a foreign corporation,

Defendant.

CASE NO. C 07 06302 CRB

**PLAINTIFF'S CERTIFICATE OF  
INTERESTED PARTIES AND  
CORPORATE DISCLOSURE  
STATEMENT PURSUANT TO CIVIL L.R.  
3-16**

COMES NOW, Plaintiff, FIREMAN'S FUND INSURANCE COMPANY ("FFIC") a/s/o  
BASIC RESOURCES, INC. and GEORGE REED, INC., and by and through undersigned counsel  
and pursuant to the Federal Rules of Civil Procedure, and most specifically, Civil L.R. 3-16, of the  
United States District Court for California, Northern Division and files/serves this Certificate and so  
certifies:

1. Pursuant to Civil L.R. 3-16, the undersigned certifies that the following listed  
persons, associates of persons, firms, partnerships, corporations (including parent corporations) or

1 other entities (i) have a financial interest in the subject matter in controversy or in a party to the  
2 proceeding, or (ii) have a non-financial interest in that subject matter or in a party that could be  
3 substantially affected by the outcome of this proceeding:

4 Jon Derrevere, Esquire  
5 FBN: 330132  
6 Derrevere, Hawkes & Black  
7 470 Columbia Drive, Building "B"  
8 West Palm Beach, Fl 33409

9 *Pro Hac Vice*

10 Shirley Jean McEachern, Esquire  
11 FBN: 321044  
12 Derrevere, Hawkes & Black  
13 470 Columbia Drive, Building "B"  
14 West Palm Beach, Fl 33409

15 *Pro Hac Vice*

16 TINO X. DO  
17 CBN:  
18 Barger & Wolen, LLP  
19 650 California Street  
20 9<sup>th</sup> Floor  
21 San Francisco, CA 94108

22 *Defense Counsel*

23 CHARLES K. BRUNN  
24 CBN: 28021  
25 BRUNN & FLYNN  
26 928 12th Street, Suite 200  
27 P.O. Box 3366 (95353)  
28 Modesto, California 95354

*Plaintiff Co-Counsel*

24 Plaintiff, FIREMAN'S FUND INSURANCE COMPANY ("FFIC")  
25 c/o Patricia M. Rank, Claims Specialist  
26 The American Insurance Company  
27 144 Village Landing, # 366  
28 Fairport, New York 14450

1 BASIC RESOURCES, INC.

2 FFIC Insured and road-paving contractor who originally suffered the damages which give rise to  
this coverage dispute

3 928 12<sup>th</sup> Street, Ste 700

4 Modesto, California 95354

5 GEORGE REED, INC.

6 FFIC Insured, who originally suffered the damages which give rise to this coverage dispute.  
GEORGE REED is a holding company who owns BASIC RESOURCES.

7 140 Empire Ave.

8 Modesto, CA 95352

9 Defendant, GERLING AMERICA INSURANCE COMPANY ("GERLING")

10 Commercial general liability carrier for GENCOR INDUSTRIES, INC.

11 c/o TINO X. DO

12 Barger & Wolen, LLP

13 650 California Street, 9<sup>th</sup> Floor

14 San Francisco, CA 94108

15 Defendant/Appellant in Underlying Action, GENCOR INDUSTRIES, INC., ("GENCOR")

16 For property and business-related damages.

17 5201 N. ORANGE BLOSSOM TRAIL

18 ORLANDO FL 32810

19 Underlying Action:

20 Fireman's Fund Insurance Company a/s/o Basic Resources, Inc. and George Reed, Inc. v. Gencor

21 Industries, Inc., which preceded in the Ninth Judicial Circuit in and for Orange County, Florida, under

22 Case No.: 04-CA-007746, before the Honorable Judge Renee Roche. Resulted in: Final Judgment for

23 FFIC; Final Judgment Awarding Attorney's Fees & Costs to FFIC

24 Appeal of Underlying Action:

25 Gencor Industries, Inc. v. Fireman's Fund Insurance Company a/s/o Basic Resources, Inc. and George

26 Reed, Inc., pending before the Fifth District Court of Appeal, State of Florida, under Case No.: 5D07-

27 2157

1 Cross –Appeal of Underlying Action: of calculation of award of pre-judgment interest only, same as  
2 preceding Appeal

3 DATED: 24th DAY OF January 2008.

4  
5 By: Shirley Jean M'Gachera for  
6 JON D. DERREVERE FBN 321044

7 Fla. Bar No.: 330132  
8 Derrevere, Hawkes & Black  
9 470 Columbia Drive, Bldg B  
10 West Palm Beach, FL 33409  
11 jdd@derreverelaw.com

12 *Admitted Pro Hac Vice*  
13 Counsel for Plaintiff

14 CHARLES K. BRUNN  
15 CBN: 28021  
16 BRUNN & FLYNN  
17 928 12th Street, Suite 200  
18 P.O. Box 3366 (95353)  
19 Modesto, California 95354  
20 Email: CBrunn@Brunn-Flynn.com

21 Co-counsel for Plaintiff  
22  
23  
24  
25  
26  
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28

**PROOF OF SERVICE**

*Fireman's Fund Ins. Co. v. Gerling American Ins.*

United States District Court, Northern District of California

Case No.: C 07 06302 CRB

I am employed in the City and County of West Palm Beach, State of Florida. I am over the age of 18 and not a party to the within action; my business address is: Derrevere, Hawkes & Black, 470 Columbia Drive, Building "B", West Palm Beach, Florida 33409.

On January 29, 2008, I served the foregoing document(s) described as:

**PLAINTIFF'S CERTIFICATE OF INTERESTED PARTIES AND CORPORATE  
DISCLOSURE STATEMENT PURSUANT TO CIVIL L.R. 3-16**

On the interested parties in this action by placing [ ] the original [X] a true copy thereof enclosed in a sealed enveloped addressed as stated below:

**[X] BY REGULAR MAIL:**

I caused such envelopes to be deposited in the United States Mail at West Palm Beach, Florida with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with United States postal service each day and that practice was followed in the ordinary course of business for the service herein attested to.

Counsel for Defendant  
Tino X. Do, Esquire  
Barger & Wolen, LLP  
650 California Street  
9<sup>th</sup> Floor  
San Francisco, CA 94108

Co-Counsel for Plaintiff  
Charles K. Brunn, Esquire  
Brunn & Flynn  
928 12th Street, Suite 200  
P.O. Box 3366 (95353)  
Modesto, California 95354

**[X] BY ECF:**

I HEREBY CERTIFY that on this 29 day of January, 2008, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that the foregoing document is being served this day on: TINO X. DO, Barger & Wolen, LLP, 650 California Street, 9<sup>th</sup> Floor, San Francisco, CA 94108, tdo@barwol.com via transmission of Notices of Electronic Filing generated by CM/ECF.

**[X] FEDERAL** - I declare that I am employed in the office of a member of the Florida Bar, admitted to practice in all Florida Courts and who makes this Pro Hac Vice Application, that our co-counsel and sponsor is a member of the bar of this California Court, and at their direction this service was made. Executed at West Palm Beach, Florida on January 29, 2008.

NAME: Deanna N. Menendez

Signature: Deanna Menendez